



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELHADJI OUSMANE TOUNKARA

Plaintiff,

- against -

REPUBLIC OF SENEGAL, et al.,

Defendants.  
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21-CV-8027 (LAK) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

On April 4, 2023, Defendant submitted a letter with attachments addressing Defendant Ndiaye's diplomatic status. The information provided is inadequate. Accordingly, by **April 18, 2023**, Defendant shall file a letter and other material as indicated addressing the following:

1. The first sentence of Paragraph 4 of the Niang declaration is nonsensical as it twice refers to "second counsellor." Defendant shall provide an amended declaration.
2. The Niang declaration states that Ndiaye worked for the Mission from January 2014 to 2019. Did Ndiaye's alleged diplomatic status end at that time? If not, did it end at a later time, and, if so, when? Provide supporting evidence.
3. If Ndiaye's alleged diplomatic status ended before Plaintiff filed the instant case, or after filing of the instant case, does that change of status affect the question of whether Ndiaye is protected by diplomatic immunity in this action? Explain. Provide supporting legal authority.

4. Plaintiff has submitted a copy of blue list information without indicating what time period is covered thereby. Ndiaye shall provide evidence that he had blue list / diplomatic status for any time period that he claims to have been protected by diplomatic immunity.

5. Ndiaye shall identify the country(ies) of which he was a citizen (as distinct from resident) at the time the instant action was filed.

The April 17, 2023 deadline previously set by order at Dkt. 38 for Plaintiff to respond to evidence submitted by Defendant is cancelled. Instead, and in light of the further information requested by the Court from Defendant, Plaintiff shall submit his letter brief no later than **April 25, 2023**.

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: April 11, 2023  
New York, New York

Copies transmitted this date to all counsel of record.